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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,990	02/26/2004	Hiroshi Yokouchi	ASA-989-03	2655
24956 7590 01/24/2008 MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C. 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA, VA 22314			EXAMINER PHAM, KHANH B.	
			ART UNIT 2166	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/785,990

Applicant(s)

YOKOUCHI, HIROSHI

Examiner

Khanh B. Pham

Art Unit

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 33 and 41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33 and 41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/5/2007 has been entered.

### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 41 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. The claim recites "a process

implementing a program", and the body of the claim is directed to a series of steps. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." Both types of "descriptive material" are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994).

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 33, 41 are rejected under 35 U.S.C. 102(e) as being anticipated by Sounder et al. (US 6,532,479 ), hereinafter "**Sounder**".

As to claims 33,41, Souder teaches a method which including 'a replication system for managing a plurality of master databases and a replica database generated from said plurality of master databases' {see Abstract, col. 1, line 57-60, 61-67}, Souder directed to "replication system", more specifically replication in "distributed database system" employing "snapshots", further snapshot is defined by a query that refers "multiple master tables" as detailed in col. 1, line 65-67, therefore, multiple master tables are part of master databases;

"correlating a plurality of master database names [col. 2, line 34-39], plurality of master database names corresponds to relational database master tables element 1212, 1214, 'a name of the replica database generated from said plurality of master databases by join operations based on predetermined joining keys, joining keys used in said join operations ' [col. 11, line 23-31], Souder specifically teaches defining unique keys for example site\_id assigned and uniquely corresponds to each site\_name 301, further relational database schema defines various tables for example data dictionary table, Snap\_reftimes table that maintains timestamps and like corresponds to predetermined keys; 'timing conditions setting timings at which replications of data are performed to the replica database from the master databases, with each other to thereby generate and store replication control information' [col. 11, line 45-50], Souder specifically teaches data dictionary table specifically defines and maintains "timestamps" related to replication operations as detailed in col. 11, line 45-50;

"in response to reception of a data operation request for a data operation to an operated record stored in a first one of said master databases' [col. 2,

line 66-67, col. 3, line 1-8, col. 4, line 65-67, fig 2], Souder specifically teaches various data operations particularly, maintaining same "relational database" both in the client and server side as detailed in fig 2; 'storing identification information of the operated record to correlate the identification information with the master database name of the first master database on which the data operation request has been operated' [col. 3, line 14-19, col. 9, line 64-67, col.10, line 1-16], Souder specifically teaches master site in both client and server database responsible for storing and retrieving data operations from relational database, particularly, identifying specific data from master table element 214 related to customer and orders as detailed in col. 10, line 10-16;

"determining whether a processing result of the data operation request meets the timing conditions' [col. 11, line 45-46], Souder specifically teaches defining "snap\_reftimes" that maintains "timestamps" associated with each master table replication or snapshot;

"when the timing conditions are met, acquiring the master database name of the first master database on which said data operation request has been operated, one of said stored joining keys corresponding to said timing conditions' [col. 11, line 50-58], Souder specifically teaches snapshot replication uniquely identifies snaptime and verifies successful refresh time for a snapshot as detailed in col. 50-58;, 'and a second master database name of a second master database and the replica database name to tie joined by the joining key from the replication control information' [col. 11, line 59-65], Souder further teaches snapshot columns with master table

columns particularly with respect to correlated to site\_id element 302 corresponds to uniquely identified key of the replication control information;

"referring to said stored operation information to acquire the operated record subject to the data operation, said operated record belonging to the first master database on which the data operation has been made based on the data operation request' [col. 12, line 8-16, line 30-34],

"performing a joining processing with respect to said operated record subject to the data operation and said second master database to be joined using said joining key' [col. 12, line 41-46], Souder specifically teaches each object in the replication or snapshot is identified by a unique key and respective correlated to site\_id

"reflecting a replica database record generated by the joining processing to said replica database to implement to said replica database the data operation based on said data operation request' [col 13, line 13-20], Souder specifically teaches replication definition query for multiple sites for example snapshot definition query templates for various groups in order to maintain consistency of replication;

"accessing the replica database in place of accessing the plurality of master databases when executing a job requiring accessing the plurality of master databases, whereby time required for executing the job is minimized" [col. 5 lines 53-63], Souder teaches "the master site stores all of the necessary snapshot metadata for performing the snapshot refreshes, so that the client only need to send a single refresh request" and therefore reduce the time required for executing the job.

### Response to Arguments

6. Applicant's arguments filed 9/13/2007 have been fully considered but they are not persuasive. The examiner respectfully traverses applicant's arguments.

Regarding the 102 rejections to claims 33, 41, applicant argued that Souder fails to teach any joining of databases. On the contrary, Souder teaches at Fig. 2 the master site 200 comprises joined data from client sites 220 and 240 as seen below:

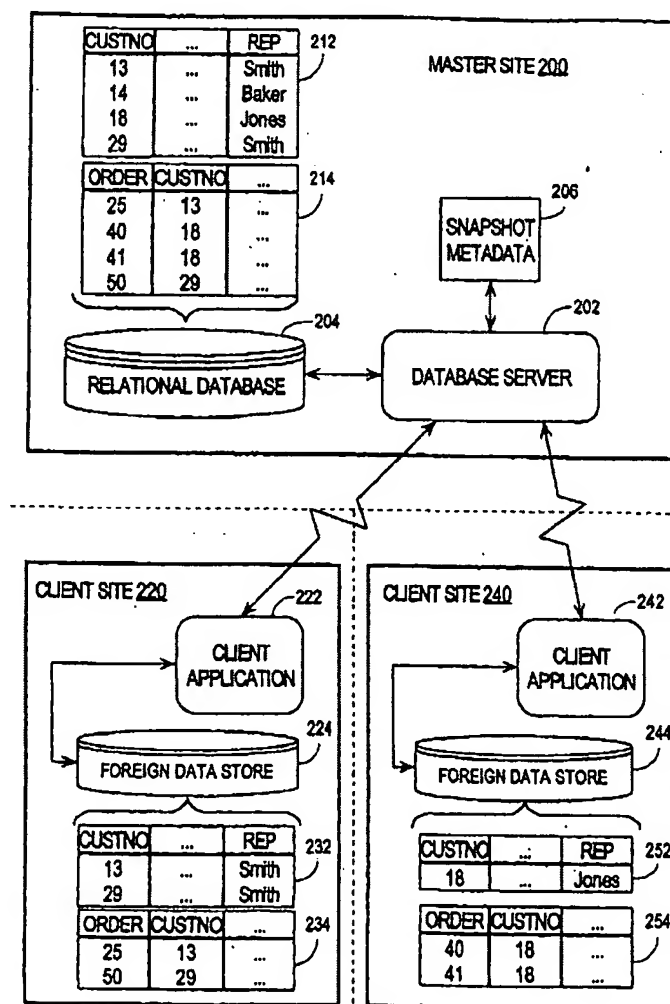


FIG. 2



### ***Conclusion***

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the Claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

If a reference indicated as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose telephone number is (571) 272-3574 for faster service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Pham whose telephone number is (571) 272-

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4116. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Khanh B. Pham  
Primary Examiner  
Art Unit 2166



January 22, 2008